REMARKS

This application has been reviewed in light of the Office Action mailed on April 6, 2007. Claims 1-65 are presented for examination. Claims 34 and 45 have been amended. Favorable review is respectfully requested.

Claim 45 has been amended to correct an editorial error.

Claims 34-44 and 65 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. The Office Action stated that the computer readable computer code recited in the claims was not directed to a statutory class of invention. The Examiner kindly suggested that the claims be amended to recite a computer-readable storage medium. Independent claim 34 has been amended to recite computer readable computer code, recorded on a computer-readable medium; the computer code, when executed by a computer, causes the computer to perform specific steps of a method. The function of the computer code is realized by its interaction with computer hardware. The computer code of claim 34 (and claims dependent therefrom) is thus an article of manufacture and statutory subject matter under 35 U.S.C. § 101. MPEP § 2106.01.

Claims 1-18 and 20-65 were rejected under 35 U.S.C. § 102(e) as being anticipated by Cadiz et al. (U.S. Patent Application Publication No. 2002/0186257). Claim 19, dependent from claim 18, was apparently rejected under 35 U.S.C. § 103(a) as being unpatentable over Cadiz et al. (the Examiner quoted 35 U.S.C. § 103(a), but characterized the rejection as under 35 U.S.C. § 102(e)). The applicants respectfully submit that independent claims 1, 32-34, 45, 56-58, 61 and 62 are patentably distinct from the cited art, since Cadiz does not teach, describe or suggest modifying context menus in existing software, as set forth in further detail below.

Cadiz et al. is understood to disclose a system and method for implementing a peripheral awareness interface or "sidebar" (paragraph 70), in which a dynamic object or "ticket" (e.g. an XML structure) is paired with a "viewer" so that information of interest to a viewer may be tracked and watched (paragraph 74). Tickets are displayed using the viewers, which may be understood as hosting the tickets in the sidebar, for display in a portion of the user's display device (paragraph 78). In Cadiz et al. an "item" is a ticket/viewer pair, dynamically displayed in the sidebar (paragraph 167). The sidebar of

Cadiz et al. is thus populated with "items." Each "item" provides a visualization of the state of the underlying object; a visualization is a displayed ticket (paragraph 178). Each "item" of Cadiz et al. has an associated context menu (paragraph 193). According to Cadiz et al., these context menus are implemented using conventional techniques, and may be accessed by pointing at or clicking on an "item."

The applicants have not found in Cadiz et al. any teaching regarding how to modify such a context menu. Cadiz et al. mentions (paragraph 193) accessing a conventionally-implemented context menu associated with an "item," but does not disclose or suggest how to modify the menu. In particular, Cadiz et al. does not teach or suggest adding or deleting menu items to or from the menu. Here it must be kept clear that in a context menu, a menu item is a subset of the menu, not an "item" as used by Cadiz et al. This is underscored by Cadiz itself which clearly differentiates between "sidebars", "tickets" and "items" as being different from context menus.

Cadiz et al. also describes "tooltips" which may be used to obtain more information related to an "item," or to interact with the source object being monitored by the ticket (paragraph 186). Tooltips associated with an "item" may be nested, to provide levels of extended information related thereto (paragraph 187). Cadiz et al. describes a particular embodiment where clicking on a displayed "item" provides a menu of commands. This menu may include commands to edit, delete, or add additional "items." Here again it must be kept clear that in this menu of commands, a menu item is a particular command, not an "item" as used by Cadiz et al.

Even if the tooltips, enhanced tooltips and nested tooltips associated with an "item" in Cadiz et al. were viewed as a context menu for that "item," a point that is in no way conceded, Cadiz et al. still would not offer any teaching or suggestion as to how such a context menu would be modified. The commands referred to in Cadiz et al. (paragraph 187) may be effective to modify "items" (that is, the displayed aspects of tickets), but this is distinct from modifying the tooltips themselves, or modifying the menu of commands. Accordingly, a user of the system of Cadiz et al. may click on an "item" and be confronted with a menu of commands (some specifically described in paragraph 187, as well as additional commands), and then use those commands to manage that "item." There is no teaching or suggestion that the user may add or change

the commands in the menu. Similarly, the user may activate a tooltip which automatically links to more detailed information, or cause a second tooltip to appear. But there is no teaching or suggestion that the user may modify those tooltips. Furthermore, there is no suggestion that it would be desirable for the user to be able to do so.

It is respectfully submitted that the Examiner has conflated the terms "item," "ticket" and "menu item." This is incorrect, as they are different entities from each other, as Cadiz makes clear, and they are different from a context menu as claimed, as Cadiz also makes clear. As discussed above, Cadiz et al. uses "item" in a specific, limited sense, to refer to a ticket/viewer pair. This is quite distinct from a menu item which is part of a context menu, as recited in the claims. According to Cadiz et al., a user may invoke a menu or tooltip to manage a ticket or modify an "item," but there is no suggestion of modifying any part of a menu associated with that "item," let alone positioning another menu portion in that menu.

In stark contrast to Cadiz et al., claim 1 is directed to a method of providing a modified context menu. The method includes the step of providing a client-side software module for modifying an existing context menu in existing software; the software module comprises additional menu information. The modified context menu comprises an additional menu item positioned within the modified context menu in accordance with the additional menu information and not in accordance with the existing software. Claims 32 and 56-58 are also directed to a method of providing a modified context menu and recite similar features. Claim 34 is directed to computer-readable program code, recorded on a computer-readable medium, comprising a software module with features as recited in claim 1. Claim 45 is directed to a system for providing a modified context menu; the system includes one or more servers configured for providing a software module with the above-noted features. Claim 33 is directed to a method of controlling an Internet browser interface and includes the steps of providing access to a program for controlling the interface and making available for downloading a file for causing the display of a toolbar; the toolbar makes available additional functionality comprising modifying the existing context menu, with the same features as above. Claims 61 and 62 are each directed to a method of providing an additional menu item for inclusion in a context menu.

Accordingly, it is submitted that the invention as presently claimed is neither anticipated nor rendered obvious by the Cadiz et al. reference, as the Cadiz et al. reference fails to teach, describe or suggest at least the claim elements recited above. Cadiz et al. therefore cannot form the basis of a rejection under 35 U.S.C. § 102, nor should it or could it render the claims obvious either alone or in combination with any other reference of record, for the same reasons.
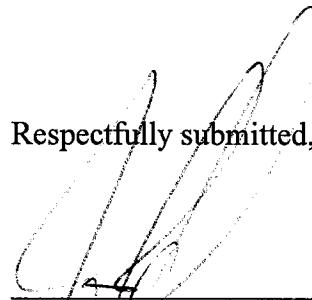
The other claims in this application are dependent from one or another of the independent claims discussed above and are therefore believed to be patentable for the same reasons. Since each dependent claim is deemed to define an additional aspect of the invention, however, consideration of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, the applicants respectfully request favorable consideration and early passage to issue of the application.

The Commissioner is hereby authorized to charge any fees which may be required for this Amendment to Deposit Account No. 50-1561 of Greenberg Traurig, LLP.

The applicants' attorney may be reached by telephone at 212-801-6729. All correspondence should continue to be directed to the address given below, which is the address associated with Customer Number 32361.

Respectfully submitted,

Date: June 29, 2007

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